

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

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|--|---|---------------------------|
| SUSAN DOHERTY, |) | |
| on behalf of herself, and all other |) | |
| similarly situated |) | |
| Plaintiff, |) | Civil No. 10-359-NLJ-KMW |
| v. |) | |
| THE HERTZ CORPORATION, et al., |) | |
| Defendants. |) | |
| DWIGHT SIMONSON, |) | |
| individually and on behalf of all others |) | |
| similarly situated |) | |
| Plaintiff, |) | Civil No. 10-1585-NLH-KMW |
| v. |) | |
| THE HERTZ CORPORATION, et al., |) | |
| Defendants. |) | |

[PROPOSED] AMENDED SCHEDULING ORDER

This Amended Scheduling Order confirms the joint request of each party's counsel for a ninety (90) day extension of the deadlines set forth in the November 2, 2012 Amended Scheduling Order.

IT IS this 25 day of January 2013, hereby ORDERED:

1. **Depositions.** All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Winthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D. Pa. 1993).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in Fed. R. Civ. P. 32(a)(4).

2. Plaintiffs shall file their motion for Class Certification on or before **April 15, 2013.**

3. All expert reports and expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) on behalf of plaintiffs shall be served upon counsel for defendant not later than **May 6, 2013**. All expert reports and expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) on behalf of defendants shall be served upon counsel for plaintiff not later than **June 17, 2013**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not

been timely followed. Depositions of proposed expert witnesses shall be concluded by **July 29, 2013**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of Fed. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to Fed. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in Fed. R. Civ. P. 32(a)(4).

4. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **September 9, 2013**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

5. The telephone status conference scheduled for **February 4, 2013 at 2:00 p.m.** is hereby adjourned. The Court will conduct a telephone status conference on **May 6, 2013 at 2:00 p.m.** Counsel for Plaintiffs shall initiate the telephone call.

6. All deadlines and hearings currently associated with Defendants American Traffic Solutions, Inc. and PlatePlass, LLC's Motion for Summary Judgment (Doc. 72) are hereby adjourned. Pursuant to Local Rule 78.1, the regular motion day shall be **May 20, 2013**. The deadline for opposition papers shall be **April 29, 2013**, and, and the deadline for reply papers shall be **May 13, 2013**.

7. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Fed. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).


KAREN M. WILLIAMS
United States Magistrate Judge